

I. Remarks

After entry of the amendment, claims 6-8 and 10-25 are pending.

In claim 6, Formula (II) has been replaced by the all names of the compounds in claim 9 except SPM 3672 and N-(3-nitratopivaloyl)-cysteine ethyl ester. In view thereof, claim 9 has been cancelled and claim 10 has also been editorially amended.

Claims 6, 11 and 18 have been editorially amended to delete "preventing".

Claims 10 and 18 have been amended to delete compound SPM 3672 and N-(3-nitratopivaloyl)-cysteine ethyl ester.

Claim 12 has been amended to include a period.

Claim 24 have been amended and is supported by claim 18.

No issues of new mater should arise and entry of the amendment is respectfully requested.

II. Claim Objection

Claim 12 has been objected to for informalities.

Claim 12 has been amended to include a period. In view thereof, Applicants respectfully request that the objection be withdrawn.

III. Rejection under 35 U.S.C. § 103

Claims 6, 7, 9, 11, 13, 18, 19 and 24 are rejected under 35 U.S.C. §103(a) as being obvious over Daugan et al (U.S. Patent No. 6,143,746).

As stated by the Examiner, Daugan et al teach compositions comprising a compound of Formula (II), N-(3-nitratopivaloyl)-cysteine ethyl ester, also know as SPM 3672 for the treatment of peptic ulcers.

The claims as currently presented do not included the use of SPM 3672 for the treatment of gastrointestinal disorders. As stated by the Examiner, Daugan does not disclose, suggest or motivate one to use the compounds in currently presented claim 6 for treating gastrointestinal disorders; for treating and/or improving the gastrointestinal properties of COX-2 selective inhibitors; for decreasing the recurrence of an ulcer; for improving the gastroprotective property, an anti-*Helicobacter pylori* property or antacid property of proton pump inhibitors; or for improving the gastroprotective property of H₂ receptor antagonists.

Additionally there no motivation for one skilled in the art to use SPM 3672 for treating and/or improving the gastrointestinal property of a COX-2 selective inhibitor; for decreasing the recurrence of an ulcer; for improving the gastroprotective property, an anti-*Helicobacter pylori* property or antacid property of a proton pump inhibitor; or for improving the gastroprotective property of an H₂ receptor antagonist based on the teachings in Daugan.

In view thereof, Applicants respectfully submit that the claims of the present invention are not anticipated by and are unobvious over Daugan, and respectfully request the rejection under 35 U.S.C. §103 be withdrawn.

IV. Rejection under 35 U.S.C. §112, First Paragraph

Claims 6, 11 and 18 are rejected under 35 USC § 112, first paragraph, as lacking enablement.

Claims 6, 11 and 18 have been editorially amended to delete “preventing.”

In view thereof, Applicants respectfully request that the rejection be withdrawn.

V. Conclusion

An early and favorable reconsideration and allowance of the pending claims is respectfully requested. The Examiner is encouraged to contact the undersigned to expedited prosecution of this application.

Respectfully submitted,



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Date: July 17, 2006
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